

VZCZCXRO2218  
OO RUEHROV  
DE RUEHKH #1671/01 3211301  
ZNR UUUUU ZZH  
O 161301Z NOV 08  
FM AMEMBASSY KHARTOUM  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2326  
INFO RUCNIAD/IGAD COLLECTIVE  
RHMFISS/CJTF HOA

UNCLAS SECTION 01 OF 02 KHARTOUM 001671

DEPT FOR AF A/S FRAZER, SE WILLIAMSON, AF/SPG, DRL  
NSC FOR PITTMAN AND HUDSON  
DEPT PLS PASS USAID FOR AFR/SUDAN  
ADDIS ABABA ALSO FOR USAU

SENSITIVE  
SIPDIS

E.O. 12958: N/A  
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [EFIN](#) [KDEM](#) [KPKO](#) [UNSC](#) [SU](#)  
SUBJECT: 37th AEC PLENARY: ELECTIONS, FOREIGN EXCHANGE, AND JOINT  
INTEGRATED UNITS

REFS: A. KHARTOUM 1629  
[1](#)B. KHARTOUM 1578  
[1](#)C. KHARTOUM 1531

[1](#)1. (SBU) SUMMARY: At the Assessment and Evaluation Commission's (AEC) 37th plenary session on November 4, parties expressed concern at the slow pace of preparations for the mandated 2009 national elections, especially at the delays in adopting necessary legislation and in naming the National Election Commissioners. The meeting commended the efforts of the SPLM and the NCP to negotiate an agreement to their dispute over foreign exchange reserves, and agreed to maintain a "watching brief" (i.e. monitor) on the issue. Parties also discussed support for the Joint Integrated Units (JIUs), which lack equipment and training needed to fulfill their mission. END SUMMARY.

#### CHAIRMAN'S INTRODUCTION

[1](#)2. (SBU) AEC Chairman Plumbly noted that in the past month, CPA implementation had been pushed into the background by the Sudan People's Initiative (SPI), intended to bring the Darfur conflict to an end. He reported that, unfortunately, there had been no significant progress in any of the five crucial areas identified in AEC's Mid-Term Evaluation (MTE) (Abyei, border demarcation, elections, security issues, and preparations for the 2011 referendum) since the Evaluation was issued in July. Ambassador Plumbly also noted that the AEC's Juba office was officially scheduled to go into operation on November 5, and he introduced the new Juba Head of Office, Dr. Rainer Baudendistel.

#### ELECTIONS

[1](#)3. (SBU) The Coordinator of the Power Sharing Working Group, Italian Ambassador Catoni, stated that he is very worried about the pace of preparations for national elections, mandated by the CPA for 2009, which have entered a crucial period. Members of the National Elections Commission (NEC) still have not been appointed, nor has additional legislation necessary to conduct the elections -- including new security and media laws -- been enacted. He urged that the parties keep in mind the importance of the election timetable. [Note: The timetable is critical not only because the CPA mandates elections happen by July 2009, but also because the current session of Parliament is due to end on 23 December in preparation for elections. The CPA states that the Parliament must ratify the establishment of the NEC and appointment of its members by two-thirds majority. End note.]

[1](#)4. (SBU) UNMIS Chief Electoral Affairs Officer Ray Kennedy reinforced Ambassador Catoni's comments, saying that under the CPA, the feasibility of the election schedule should have been reviewed no later than July 2008 (six months prior to the third anniversary of the CPA's signing.) The elections will be a complicated process, he noted, especially in the South, and before they can take place a

significant amount of work must be done which cannot be started until the NEC is in place.

15. (SBU) CDA Fernandez commented that the United States also is concerned by the absence of other election building blocks, notably the press and security laws. He added that there recently has been an increase in government interference in what had been a relatively free media since the signing of the 2005 CPA (ref. A). This is not conducive to creating the proper pre-electoral climate for democracy.

16. (SBU) SPLM representative Kosti Manibe reported that the SPLM and the NCP have agreed on all National Electoral Commissioners, but have yet to identify a Commission Chairman and Deputy Chairman who will accept the positions. These must be independent and respected figures, and finding such people is proving difficult, he said. The NCP remarked that the concerns raised by the partners should properly be addressed to the government, not to the parties in the AEC. Rather, the AEC could assist by identifying what the problems are and who in the government has the responsibility. He added that the AEC also could help by identifying actions that could be taken prior to the formation of the NEC. Ambassador Plumbly concluded the discussion by encouraging the parties to remain seized with the review date, put the NEC in place, and take all possible prior actions.

#### FOREIGN EXCHANGE DISPUTE

17. (SBU) Ambassador Plumbly reported that he and the AEC Coordinators had been briefed on the issues involved in the dispute between the GNU and the GoSS over control of foreign exchange (ref. B). He noted that the two sides are continuing to work quietly,

KHARTOUM 00001671 002 OF 002

seeking a mutually agreeable solution to the dispute. CDA Fernandez agreed that the parties are handling the dispute in a low-key manner, and he urged them to resolve the issue quickly and quietly. If not handled carefully, this dispute has the potential to escalate into a major crisis, with serious consequences, he said. Ambassador Plumbly concluded that the AEC Chair and the Wealth Sharing Working Group should stay in close consultation -- a "watching brief" -- as he put it, to monitor the situation and offer the AEC's assistance in resolving the matter, should that become desirable.

#### JOINT INTEGRATED UNITS/JOINT INTEGRATED POLICE UNIT

18. (SBU) Ambassador Plumbly noted that support for the JIUs was one of the five critical issues identified in the MTE, but that his recent visit to several JIUs indicated that they are "neither joint nor integrated," and that they are both under trained and under equipped. He urged greater support for the JIUs both from the government and from donors. The UK briefed on its mission to Abyei the previous week and observed that equipping the JIU/JIPU there remains an urgent priority. The UN reported that so far it has received no response to its request to participate in meetings of the Joint Defense Board (JDB) at which the JIUs were discussed. Ambassador Plumbly noted that the MTE had recommended that UNMIS participate at JDB meetings dealing with JIUs, but that even without JDB approval, donors still could provide short-term material support.

#### WORKING GROUP UPDATES

19. (SBU) Coordinators provided updates on the work of the four AEC Working Groups. The Power Sharing WG Coordinator said that a meeting to discuss the census with heads of the Central Bureau of Statistics and the South Sudan Center for the Census and Statistical Evaluation was planned for November 11. The Security WG planned a trip to Southern Kordofan November 12-13. The Coordinators for Three Areas WG and the Wealth Sharing WG (CDA Fernandez) reported that their groups were in the process of completing work plans for the coming months, based on the recommendations of the MTE.

#### COMMENT

110. (SBU) The 37th Plenary highlighted the lack of progress in key

areas of CPA implementation, notably election preparations, but also support for the JIUs. Stalled establishment of the NEC is not entirely the fault of the NCP and the SPLM. However, both share blame for the refusals by their agreed-upon NEC Chairman (Abel Alier) and Deputy Chairman (Abdulla Idris) to take up NEC leadership positions due to their doubt that they can oversee credible elections within such a limited timeframe (ref. C). While it is likely that the SPLM and the NCP will be able to find replacements for Idris and Alier (or talk them into the positions) and establish an NEC before Parliament dissolves, it is highly unlikely that the security and media laws will be enacted by December 23. Lack of key legislation will negatively affect electoral campaigning and political party activity and may cause some opposition parties to boycott the electoral process altogether.

FERNANDEZ